

2015 No. 418 (C. 36)

JUSTICE

The Justice (2015 Act) (Commencement No. 4) Order (Northern Ireland) 2015

Made - - - - *17th December 2015*

The Department of Justice, in exercise of the powers conferred by section 106(2) of the Justice Act (Northern Ireland) 2015(a), makes the following Order:

Citation

1.—(1) This Order may be cited as the Justice (2015 Act) (Commencement No. 4) Order (Northern Ireland) 2015.

(2) In this Order, “the 2015 Act” means the Justice Act (Northern Ireland) 2015.

Provisions coming into operation on 29 January 2016

2. The day appointed for the coming into operation of the following provisions of the 2015 Act is 29th January 2016 —

- (a) section 94 (defence access to premises); and
- (b) section 96 (causing or allowing child or vulnerable adult to suffer serious physical harm).

Provisions coming into operation on 1 March 2016

3. The day appointed for the coming into operation of the following provisions of the 2015 Act is 1st March 2016 —

- (a) section 41 (review of criminal record certificates); and
- (b) Schedule 4 (Schedule inserted as Schedule 8A to the Police Act 1997).

Sealed with the Official Seal of the Department of Justice on 17th December 2015



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation certain provisions of the Justice Act (Northern Ireland) 2015 (c.9 (N.I.)) (“the Act”).

The provisions of the Act set out in Article 2 come into operation on 29th January 2016.

Section 94 introduces a power for a court, in criminal proceedings, to order access to specified premises for the defendant where it is required to ensure compliance with Article 6 of the European Convention on Human Rights.

Section 96 amends Section 5 of the Domestic Violence, Crime and Victims Act 2004 (offence of causing or allowing the death of a child or vulnerable adult) so that in addition to causing or allowing death (under the current legislation) it will be an offence to cause or allow a child or vulnerable adult to suffer serious physical harm. A person found guilty of this offence will be liable on conviction on indictment to imprisonment for a term not exceeding 10 years or to a fine, or both.

The provisions of the Act set out in Article 4 come into operation on 1st March 2016.

Section 41 and Schedule 4 insert section 117B and Schedule 8A respectively into the Police Act 1997 to make provision for a review mechanism as part of the filtering scheme operated by AccessNI. It will enable a person to seek, in certain circumstances, an independent review of their case where a conviction or other disposal has not been filtered from their standard or enhanced criminal record certificate. The provision includes an automatic referral for cases where disclosures relate only to spent convictions or other disposals which occurred at a time when a person was under the age of 18

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Justice Act (Northern Ireland) 2015 have been brought into operation by a Commencement Order before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Sections 28, 29 and 31 to 35	1 st September 2015	2015 No. 320 (C.26)
Sections 65(2)(h) and 69(1)	1 st September 2015	2015 No. 324 (C.27)
Sections 6(2) and (3) and 95	30 th September 2015	2015 No. 324 (C.27)
Section 37 (partially), sections 38 to 40, sections 44 to 47, section 66 (partially), section 67 (partially), section 69 (so far as not already in operation), and Schedule 5 (partially)	2 nd November 2015	2015 No. 358 (C.30)

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